

### Listing of Claims

1. (Currently amended) A synthetic mulch material sized, shaped, and colored to imitate a natural mulch, wherein said synthetic mulch ~~is comprised of~~ comprises:

(a) a plurality of rubber particles, with the rubber selected from the group consisting of natural polymers and synthetic high polymers, with said rubber particles having an outer surface designed and dimensioned to look like natural mulch selected from the group consisting of pea gravel, wood chips, and tree bark, and a length ranging between 1/16 inch and about 8 inches, and a width ranging between about 1/16 inches and about 2 inches; and;

(b) a coating added in an amount equal to between about 2% and about 20% by volume of said rubber particles, and with said coating covering said rubber particles, thereby forming said synthetic mulch.

2. (Currently amended) The synthetic mulch of Claim 1 wherein said rubber ~~particles are preferable~~ is selected from the group consisting of waste rubber buffings and ground tires.

3. (Original) The synthetic mulch of Claim 1 wherein said coating ~~is~~ comprises a pigment and resin.

4. (Original) The synthetic mulch of Claim 3 wherein said resin is selected from the group consisting of solvent and water-based resins.

5. (Original) The synthetic mulch of Claim 1 wherein said coating is added in an amount equal to between about 3% and about 10% by volume of said rubber particles.

6. (Original) The synthetic mulch of Claim 1 wherein said coating is added in an amount equal to between about 2/5% and about 5% by volume of said rubber particles.

7. (Currently amended) The synthetic mulch of Claim 4 wherein said water-based resin is selected from the resin binder group consisting of acrylic resins, vinylchloride resins, polyurethane, styrene butadiene styrene resins, polyvinylidene chloride, neoprene, and combinations thereof.

8. (Currently amended) The synthetic mulch of Claim 4 wherein said solvent-based resin selected from the resin binder group consisting of polyurethane, hypalon, neoprene, chlorinated polyethylene, vinylchloride resins, vinyl acetate resins, chlorinated rubber, and combinations thereof.

Claims 9-13 (canceled).